

REMARKS

Claims 1 through 14 are pending in the application. Claims 1, 7, and 12 are hereby amended. All pending claims stand rejected either under 35 U.S.C. § 102 as anticipated by *Batson* or under 35 U.S.C. § 103 as obvious over *Batson* in view of *Virblas*. All pending claims are also objected to for informalities. In view of the amendments to the claims and the arguments made herein, Applicant hereby traverses the rejections.

Claim Objections

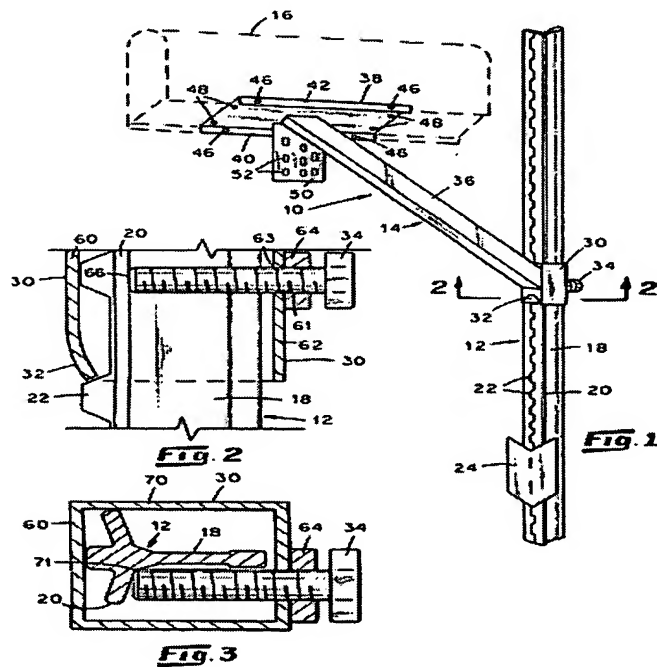
Claims 1, 5, 7, 8, and 13 are objected to as it is allegedly unclear whether the mailbox and post are merely environment or are positively recited. In an effort to overcome the objection in keeping with Examiner's suggestion, Applicant first replaced every occurrence of "the mailbox" with "a mailbox" and every occurrence of "the post" with "a post." After reviewing the claims so amended, Applicant submits that such an amendment creates ambiguity in the claims inasmuch as it is the same post and the same mailbox referred to every time the terms occur. To replace the definite article "the" with the indefinite article "a" makes it appear that the claim refers to more than one mailbox and more than one post.

Inasmuch as the mailbox and post are introduced in the preamble as environment with which the claimed bracket is used, Applicant submits that their status as environment is clear from the claim preamble and subsequent reference to them using the

definite article does not render the post and mailbox a positively recited portion of the claimed bracket.

Rejection Under 35 U.S.C. § 102

Claims 1-6 and 12-14 are rejected as anticipated by *Batson*. All of the independent claims (1, 7, and 12) are hereby amended to recite that the sleeve is secured *directly* to a *central portion* of the plate. In view of this amendment, Applicant respectfully submits that the rejection may not stand. As shown by the figures from *Batson*, it discloses a *rectangular* sleeve 30 that receives a post with a non-uniform cross-section 12. The sleeve is connected by a rod or square tube 36 to a plate 42 that is less than coextensive (it is shorter at both ends) than the bottom surface of the mailbox 16:

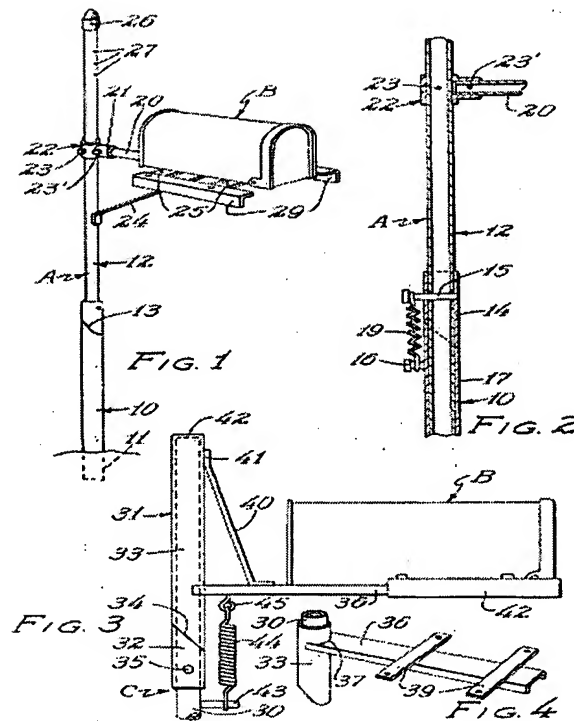


Thus, the structure disclosed by *Batson* does not disclose each and every limitation of any claim of the present application. Notably missing are the generally cylindrical sleeve (adapted to receive a cylindrical post) that is attached or secured directly (without intervening structure) to the plate that is coextensive with the bottom of the mailbox. Applicant thus respectfully submits that the rejection under 35 U.S.C. § 102 may not stand.

Rejection Under 35 U.S.C. § 103

Claims 7-11 are rejected as obvious under 35 U.S.C. § 103 over *Batson* in view of *Virblas*. In view of the amendments to the independent claims discussed above, Applicant submits that the rejection may not stand.

The shortcomings of the disclosure of *Batson* are discussed above and will not be repeated here. Similarly, *Virblas* fails to disclose or suggest the elements of the claimed invention and cannot be the basis for modification of *Batson*. As shown in the figures of *Virblas*, there is no plate that is generally coextensive with the bottom of the mailbox. Rather, there are three members (20, 25, 29 and 36, 39), none of which are coextensive with the bottom of the mailbox, that support it. One of the members (20 or 26) is connected at one of its ends (rather than a central portion) to what could be construed as a generally cylindrical sleeve (22, 32):



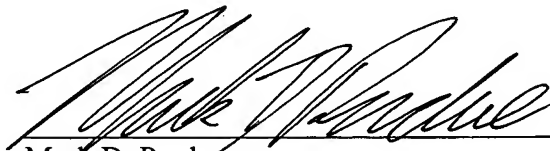
Thus, like *Batson*, *Virblas* fails to teach or suggest a plate that is generally coextensive with the bottom of the mailbox and a generally cylindrical sleeve that is secured directly (without intervening structure) to a central portion of the plate. Because neither reference, taken singly or in combination, disclose or suggest the claimed combination, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 is improper and may not stand.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Perdue', is written over a horizontal line.

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